

Slovak Anti-corruption Legislative

A key document for the Slovak Government in anti-corruption agenda is the **National Programme for Fight against Corruption**, approved by the Government in June 2000. The main objectives outlined in the National Programme are based on the following three main pillars:

- elimination of the situations where corruption can potentially occur,
- increasing the risk resulting from corrupt practices,
- enhancing public sensitivity to corruption.

In Final Report of Monitoring and Legislative Support to the Implementation of the Anti-corruption Programme (as a partial activity of Phare project SK0008.01 Support to the Implementation of the National Programme of Fight against corruption) stated that the implementation of the **National Anti-Corruption Programme is 83% implemented and its Action Plan (executive measures required under the National Programme) is largely implemented.**

The new Government, following the elections in September 2002, adopted a new Government Decree (1359/2002 from December 11, 2002) where Central Co-ordination Unit of the Fight against Corruption and Steering Committee of Fight against Corruption (as previous relevant bodies in this area) were replaced by **Department of Fight against Corruption** at the Office of Government under direct leadership of the Deputy Prime Minister for Legislation and Minister of Justice of SR Mr. Lipšic. The new Department took over the responsibilities of the previous anti-corruption bodies and continue in achieving main goals set up and it is responsible for the implementation of anti-corruption policy of the state.

Department of Fight against Corruption at the Office of Government reviewed National Programme of Fight against Corruption and put all legislative tasks in one document adopted by Government (Government Decree No. 350/2003). This material, which contains 65 pages of concrete suggestions has been prepared by Department in cooperation with all relevant state agencies. All tasks are focused on concrete solutions and all tasks have their own deadlines. Department monitors their implementation by relevant authorities.

Department is responsible for implementation of anti-corruption policy on the state level, has a creative competence and its employees take the initiative to identify gaps in legislation and policies; it also acts as a key advisory service for the Deputy Prime Minister and the Minister of Justice. This department puts significant emphasis on cooperation with business and non-governmental sectors, sensitization of the public and cooperation with active members of society.

Department has prepared and/or cooperated on preparing several drafts and amendments of law concerning corruption, e.g.:

- the amendment to the Labour Code concerning whistleblowers protection against discrimination in labour relations. *The amendment entered in force on 1 July, 2003.*
- the draft law on measures against persons acquiring their property in an illegal way (Forfeiture of Assets). *Minister of Justice took the draft back (22 January, 2004) due to members of Parliament amendments, which had strongly changed the purpose of the the draft and had made it unfunctional. It is possible to submit the draft law to the Parliament again anytime (this is an exception from the law - because of taking the draft back it is not necessary to wait next six months as prescribed by Slovak law).*
- the draft law amending and supplementing Criminal Procedure Code and Criminal Code - strengthening of competencies of agents (in order to enable “sting operations”), introducing criminal responsibility of legal entities, “crown” witness and criminal offence

- of misprision of corruption. *The amendment was adopted by Parliament on 21 October, 2003 and entered into force in December 2003.*
- the draft amendment to the Constitution aiming at narrowing down the scope of immunity of members of the National Council of the Slovak Republic and judges as well as the draft amendment to the Constitution concerning the enlargement of the Supreme Audit Office powers in the field of external audits of local self governance entities. *The Parliament voted against the draft amendment.*
- the main aim of law on Conflict of Interest is to minimize the possibility of conflicts arising between private interests and public duties of public office holders and provide for the resolution of such conflicts in the public interest should they arise. *This constitutional law entered into force in October 2004.*
- the amendment on Local Self Governance Law. The amendment aims at enhancing of control within Local Self Governance and concerns Lobbying in Legislative Procedure in Local Self Governance. *The amendment entered into force on 1 July 2004.*
- the amendment to the Law on Misdemeanours. Appointed time of misdemeanour proceeding was prolonged from one to two years. *The amendment entered in force on 1 January, 2004.*
- Law on Special Court and Special Prosecutor's Office was adopted by Parliament on 21 October, 2003 (No. 458/2003) and should come in force in May 2004. The draft amendment on the law was adopted, shifting the effective date from May to September 2004. The competitive recruitment has been started in order to make Special Prosecutor's Office and Special Court on Corruption fully operational up to the above mentioned date.

Department is also preparing the drafts law on Land Register (Cadastre) and Licence policy of the state. Working group has been created on the new Law on Political Parties including their financing. *(Law on Political Parties including their financing is expected to be submitted to the Government in the autumn 2004).*

Department is involved in the implementation of the public administration portal project. The process of IT implementation in public administration is a stimulus for transforming public administration that can improve public services by making them accessible and faster. Such a portal would be the central contact point of communication with public administration for the citizens.

Another part of anti-corruption struggle is devoted to the preparedness of Slovak republic for drawing-down money from European Structural Funds and Cohesion Fund. Therefore Department prepared a questionnaire dedicated to the preparing, implementation, evaluation and monitoring of the whole process. According to the findings resulting from the questionnaire, there was a report for consideration by Government submitted. Under Resolution no. 797/2004 all ministries were obligated to rectify discrepancies and adopt a conflict of interest definition.

Phare project SK0008.01 Support to the Implementation of the National Programme of Fight against Corruption successfully finished in November 2003. Financial Memorandum 2003 for the Phare project 2003-004-995-01-03 Fight against Corruption was signed (3 November, 2004) and Terms of Reference relevant for particular activities of the project has been prepared. Particular activities aim at pilot project of implementation of the public administration portal project, investigative journalism trainings, education of staff belonging to newly created Special Court and Special Prosecutor's Office and other relevant bodies and fine-tuning of anti-corruption legislative framework.

Department also co-operates with various NGOs in the field of anti-corruption lectures, trainings and seminars organised for students, public administration and general public.